

North Dakota Department of Human Services

NORTH DAKOTA CHILD SUPPORT ENFORCEMENT LEGAL REQUIREMENTS FOR EMPLOYERS

On behalf of the children we serve, thank you for the vital role you play in the Child Support Enforcement program. By withholding child support payments from employees' paychecks and enrolling children in their parents' health insurance plans, you help ensure the financial security of children and families.

Below are some of the legal requirements for employers related to the North Dakota Child Support Enforcement (ND CSE) program.

Income Withholding: Income withholding by employers is the most effective method for collecting child support. Income withholding is governed by federal and state laws and is a process through which payments for support are withheld each pay period from the income of an employee. "Support" includes payments for child support, medical support, and spousal support.

You will be notified to begin withholding via an Order/Notice to Withhold Income for Child Support (hereafter referred to as an "income withholding order"). You are not required to vary your pay cycle to be in compliance with an income withholding order. Withheld payments must be submitted to the entity designated on the income withholding order. If you wish to submit income withholding payments electronically, please contact the ND CSE program for further information. Also, if you are interested in receiving an electronic income withholding order instead of a paper copy, please let us know.

Each income withholding order provides specific information regarding your legal requirements as an employer. Following are some of your requirements applicable to employees whose principal place of employment is North Dakota:

- Start withholding no later than the first pay period after receipt of the income withholding order.
- Provide a remittance identifier for each payment remitted. The remittance identifier can be found on the income withholding order.
- To cover expenses involved in transmitting the payment, withhold and retain an additional fee of \$3.00 per month from the employee's income.
- Withhold no more than 50% of the employee's disposable income, including the employer's fee. Payment of less than the ordered amount must be accompanied by a written payroll calculation.
- Send the income withholding payment within 7 business days of the paydate/date of withholding. An employer who fails to deliver income for more than 7 business days after the date one or more employees are paid may be charged a late fee equal to \$25 per employee for each additional business day the payment is delinquent or \$75 for each additional business day the payment is delinquent, whichever is greater.
- Notify the issuing entity, in writing, of the employee's termination of employment within 7 business days of the termination.
- Failure to comply with these requirements may subject you to penalties, late fees, or sanctions.

National Medical Support Notice: Child Support Enforcement programs send a two-part National Medical Support Notice (NMSN) directly to employers of parents who are ordered to provide health insurance coverage for their children. The goal is enrollment of children in their parent's employment-related health insurance programs if an employer offers dependent health coverage and the parent qualifies for the program.

The standardized NMSN is intended to simplify and streamline the process of enrolling children in their parents' employment-related health insurance coverage. Each NMSN should be carefully reviewed because it will provide you with specific information regarding your legal requirements as an employer. Both you and the insurer/plan administrator have requirements regarding how and when you must respond to an NMSN. An NMSN is often sent in conjunction with an income withholding order. If you are interested in receiving an electronic NMSN instead of a paper copy, please let us know.

Request for Information: State law requires you to respond to a Request for Information issued by the ND CSE program within 10 days after receipt of the request. You must complete and return the Request for Information if the individual is, or within 180 days immediately preceding receipt of the request was, your employee.

Lump Sum Reporting: You must notify the ND CSE program before making any lump sum payment of \$1,000 or more to an employee if you have received an income withholding order from the ND CSE program that includes an amount for past-due support. ("Lump sum payment" includes pay in lieu of vacation or other leave, bonus, commission, and any other payment to an employee but excludes periodic payments made on regular paydays as compensation for services and excludes reimbursement for expenses incurred by the employee on behalf of the employer. Also excluded are severance pay and advances.)

New Hire Reporting: You are to report to us each employee hired on or after October 1, 1997. For employees working in North Dakota, you must report the following to the ND CSE program within 20 days of the date of hire:

- Employee's Name, Address, and Social Security Number
- Employer's Name, Address, and Federal Tax Identification Number

You may report new hires in a number of ways, including the internet, web file transfer, mail, or fax. Please contact the ND CSE program for information on how to handle your reports as easily as possible.

Multi-state employers (those with employees in two or more states) may choose to report all their new hires to one state. If you are a multi-state employer who would like exercise this option, please contact the ND CSE program for details.

If you have questions regarding your Child Support Enforcement related legal requirements, please contact the ND CSE program or visit our website at www.childsupportnd.com. This website has a complete listing of contact information. If you have questions regarding a particular form or letter, please call the telephone number listed on that document because that office will have first-hand knowledge of what is needed.

North Dakota Child Support Enforcement
701-328-3582 (local)
800-755-8530 (instate toll free) or 800-231-4255 (nationwide toll free)
800-366-6888 (TTY)